IT Unit 3

Topic 2

# Ch. 3, Data Analytics: Drawing Conclusions, Part 2

**Legal requirements,** p 129-134

Several federal & state laws govern information privacy.

* Privacy Act 1988 (federal)
* Privacy & Data Protection Act 2014 (state)
* Health Records Act 2001 (state)
* Copyright Act 1968
* Charter of Human Rights and Responsibilities Act, 206, (Vic)
* Spam Act 2003

Using the table, 3.1 indicate the effect, who it applies to and does not apply to for the following legislation:

**Federal Legislation:**

1. Privacy Act 1988 including Privacy Amendment Enhancing Privacy Protection Act 2012

* Regulates handing of personal information about individuals.
* **Applies to**: Federal government departments, private businesses with federal government contracts, Health services providers, credit reporting agencies. Bank and credit card companies etc.
* **Doesn’t Apply:** State/territory hospitals, individuals not involved in a business, public schools and universities, media organization acting in the course of journalism and political parties and politicians

1. Copyright Act 1968

* Protects the rights of individuals who produce creative and artistic works (intellectual property). This applies to all Australians using other people’s intellectual property.

1. Spam Act 2003

* Prevents the sending of spam and harvesting of email addresses: regulates the sending of commercial emails. This applies to who send unsolicited commercial emails.

**Victorian, State Legislation:**

1. Charter of Human Rights and Responsibilities Act 2006

* Protects the rights of individuals to freedom of privacy. Thought belief and expression. This applies to all Victorians.

1. Privacy and Data Protection Act 2014

* Enforces the information privacy principles on Victorian public services organisations. This applies to Victorian state government departments, group working with Victorian state governments etc.

1. Health Records Act 2001

**Privacy legislation, p 131**

1. What is meant by:
   1. Personal information

* Is information containing basic information about people like, Name, address, telephone number, D.O.B and bank accounts details
  1. Sensitive information
* Basically everything about you your criminal record, sexual orientation or practices, genetic information etc.
  1. Health information
* Contains any health records about single entity

Australian Privacy Principles and Victorian Information privacy principles, p 132

List the 10 principles and their effect.

|  |  |
| --- | --- |
| IPP | Effect |
| 1 | Collection of personal information |
| 2 | Use and disclosure of personal information |
| 3 | Data quality |
| 4 | Data security |
| 5 | Openness |
| 6 | Access and correction |
| 7 | Unique identifiers |
| 8 | Anonymity |
| 9 | Trans border data flows |
| 10 | Sensitive information. Collect sensitive information only with the person’s consent or if required by law. Consent must be voluntary, informed, specific and current. |

**Spam Act 2003, p 132**

1. What is the nature of the Spam Act and what are its effects?

* Part 1.3 of the spam Act regulates commercial email and electronic messages, including instant messaging. It does not given faxes, voice calls or packages sent by postal mail. Penalties for violating the spam act include fines up to $295,000

**Copyright Act 1968**, p 133

1. Describe this Act and the nature of its provisions.

* The copyright is a federal law that recognises that any original creative or artistic works the property of the person of created it. Any person wishing to use another person’s work must obtain permission and/or pay for a licence. The copyright act protects the creators of an original work form unauthorised reproduction, conversions, adaptation, transmission or publication or their intellectual property.

**Human Rights**

Charter of Human Rights and Responsibilities Act 2006, Vic, p 133

1. What are provisions of this Act?

* Section 13 protects privacy and reputation. It states that a n individuals have the right not to have their privacy, family home or correspondence unlawfully interfered with, and not to have their reputation unlawfully attacked